

REMARKS

Applicants appreciate the indication of allowable subject matter in claims 13-15.

Claims 11, 12, 16, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,960,175 to Myers and further in view of U.S. Patent No. D521,644 to Nordt et al. (hereinafter "Nordt"). Applicants traverse this rejection for the following reasons.

The claimed invention includes an orthopedic device to support a pivotable joint. Two substantially rigid parts are hinged together, each having a fastening means to fasten the device to a limb. The side of the fastening means that contacts the limb is provided with a friction-reducing means comprising a plurality of freely rotatable elements.

The cited prior art fails to suggest an orthopedic device as claimed that includes freely rotatable elements as a means for reducing friction against a limb.

Myers discloses an orthopedic leg brace comprising an upper brace, a lower brace and a housing holding a mechanical pivotal knee joint assembly. Straps wrapped around each of the upper and lower braces hold the braces to a user's leg. Myers does not teach or suggest the straps being at least partly provided with a friction-reducing means on the side that contacts the leg.

The Nordt patent is cited to account for that deficiency. The Examiner states that Nordt discloses "a support brace comprising a strap with a means to reduce the friction with the skin" and asserts that it would have been obvious to one skilled in the art during the

time of the invention to modify the straps of Myers to include a means to reduce the friction with the skin as taught by Nordt, as such would allow the skin to move as freely as possible without causing undesired shifting displacement.

However, Nordt teaches an ornamental design for a support brace with no friction-reducing means. The support brace of Nordt is provided with six extensions terminating with round, ball-shaped tips that appear to contact the skin in use. The figures do not indicate that these ball-shaped tips have any rotational degree of freedom. There are no “freely rotatable elements” in the Nordt device. Therefore, the combination of Nordt’s teaching with the Myers patent would not suggest the claimed device. Neither reference provides any motivation to include a friction-reducing means comprising freely rotatable elements on the limb contact surface of a fastener of an orthopedic device. Therefore, claims 11, 12, 16 and 17 define thereover.

Moreover, since the ball-shaped tips of the Nordt device do not have a degree of rotatable freedom, they would be pressed into the skin and would actually increase the friction with the skin, rather than reduce it. Even if the ball-shaped tips somehow have a rotational degree of freedom, at best it would be about the longitudinal axis of the extensions, i.e. perpendicular to, rather than parallel with, the skin and therefore, would not have any friction reducing effect.

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In the absence of a teaching or suggestion in either of Myers or Nordt to include any friction reducing means in a prothesis or an orthosis, the combination of their teachings does not suggest the invention of claim 11 or dependent claims 12, 16 and 17. Reconsideration by the Examiner and allowance of all of claims 11-17 are respectfully requested.

Respectfully submitted,

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